

Introduced by Senator Vargas

February 17, 2011

An act to amend Sections 10544, 11450.12, and 11495.15 of, and to add Section 11495.45 to, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 480, as introduced, Vargas. Public social services: domestic violence.

(1) Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), formerly the Food Stamp Program, under which nutrition assistance benefits, formerly referred to as food stamps, allocated to the state by the federal government are distributed to eligible individuals by each county. Under existing law, the State Department of Social Services has renamed the Food Stamp program in California as CalFresh.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds.

Existing law provides that if the state does not achieve specified outcomes required by federal law, including welfare-to-work outcomes, and as a result is subject to a fiscal penalty, the penalty will be shared equally by the state and the counties after exhaustion of all reasonable and available federal administrative remedies. Existing law provides that only those counties that have failed to meet the federal requirements are required to share in the fiscal penalty, as prescribed.

This bill would provide that in determining whether a county has failed to meet the federal work requirements, the number of cases subject to the federal work participation requirements is not to include specified cases granted a federally recognized good cause domestic violence waiver.

(2) Existing law requires a county to redetermine CalWORKs and CalFresh recipient eligibility and grant amounts on a quarterly basis, using prospective budgeting, and to prospectively determine the benefits that a recipient is entitled to receive for each month of the quarterly reporting period. Under existing law, a CalWORKs recipient is required to report to the county, orally or in writing, specified changes that could affect the amount of aid to which the recipient is entitled. Under existing law, the CalWORKs quarterly reporting system is also implemented by the State Department of Social Services in administering SNAP.

This bill would prohibit the consideration of the income and resources used to flee the abuser or that are controlled in whole or in part by the abuser if an applicant or recipient family is a victim of abuse, as defined, to the extent permitted by federal law. This bill would provide that sworn statements by a victim of past or present abuse are sufficient to establish this abuse.

(3) Existing law authorizes a county to waive a program requirement for a recipient who has been identified as a past or present victim of abuse when it has been determined that good cause exists.

This bill would instead require a county to waive a condition of eligibility, program requirement, or time limit for good cause for an applicant or recipient who has been identified as a past or present victim of abuse upon a specified determination by the county. This bill would also require a county to proactively seek information to determine at the time of application or redetermination for aid whether or not an applicant or recipient is or has been a victim of domestic violence.

(4) By imposing new duties on counties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. In enacting this act, the Legislature recognizes
2 that some individuals who may need public assistance have been
3 or are victims of abuse. It is the intent of the Legislature to ensure
4 that applicants and recipients who are past or present victims of
5 abuse are not placed at further risk or unfairly penalized by
6 CalWORKs or CalFresh requirements or procedures. The
7 Legislature intends that, in implementing this act, program
8 requirements are not created or applied in such a way as to
9 encourage a victim to remain with an abuser, or to prevent the
10 victim from successfully leaving the abuser. It is also the intent of
11 the Legislature that the resources of the CalWORKs program and
12 CalFresh be leveraged to best assist recipients leaving an abuser
13 to move towards self-sufficiency.

14 SEC. 2. Section 10544 of the Welfare and Institutions Code is
15 amended to read:

16 10544. (a) If the department finds that a county is experiencing
17 significantly worsened outcomes, it shall report this finding to the
18 Chairs of the Senate Committee on Budget and Fiscal Review, the
19 Assembly Committee on Budget, the Senate Committee on Health
20 and Human Services, and the Assembly Committee on Human
21 Services.

22 (b) If the state does not achieve the outcomes required by federal
23 law and, as a result, is subject to a fiscal penalty, the penalty shall
24 be shared equally by the state and the counties after exhaustion of
25 all reasonable and available federal administrative remedies. If a
26 county's single allocation pursuant to Section 15204.2 is reduced
27 by the state to offset the county's share of any federal penalty
28 imposed pursuant to this section, the county shall be required to
29 utilize county general funds to replace the offset amount, so that
30 total funding remains equal to the county's single allocation. These
31 funds shall be in addition to the funds required to meet the
32 maintenance-of-effort requirement pursuant to Section 15204.4.
33 Only those counties that have failed to meet the federal
34 requirements shall be required to share in the fiscal penalty imposed
35 on the state. Those counties' share of the penalty imposed on the

1 state shall equal 50 percent of that penalty. Each county's share
2 of the penalty shall be based, in consultation with the County
3 Welfare Directors Association, on the county's degree of
4 performance that contributes to the failure to meet the federal
5 requirement.

6 (c) A county may be provided relief, in whole or in part, from
7 a penalty imposed pursuant to subdivision (b) if the department
8 determines that there were circumstances beyond the control of
9 the county. A county may also be provided relief based on the
10 degree of success or progress in meeting federal requirements,
11 and, to the extent that there are differences between state and
12 federal program requirements, the degree of success in meeting
13 state participation requirements. Any adjustment made pursuant
14 to this subdivision shall be reported to the Chair of the Joint
15 Legislative Budget Committee. If a county is granted relief, that
16 portion of the total penalty shall not be imposed on the other
17 counties that failed to meet the federal requirements.

18 (d) *In determining whether a county has failed to meet federal*
19 *work requirements pursuant to subdivision (b), the number of*
20 *county cases subject to the federal work participation requirements*
21 *shall not include the following:*

22 (1) *Cases granted a waiver of work requirements pursuant to*
23 *paragraph (2) of subdivision (f) of Section 11320.3.*

24 (2) *Cases granted a waiver to the time limit pursuant to Section*
25 *11495.15.*

26 (3) *Cases where the time limits on aid set forth in Section 11454*
27 *shall not be counted as a month of receipt of aid pursuant to*
28 *Section 11495.15.*

29 (e) *A county shall only disregard cases pursuant to subdivision*
30 *(d) if the waivers are federally recognized good cause domestic*
31 *violence waivers, within the meaning of Sections 260.52(c) and*
32 *260.55 of Title 45 of the Code of Federal Regulations.*
33 *Notwithstanding subdivision (d), a case shall be included in the*
34 *number of county cases if the case has met federal work*
35 *requirements.*

36 ~~(f)~~

37 (f) A county that fails, without good cause, to submit accurate
38 and timely data used to measure work participation, as required
39 by the department, shall be deemed to have failed to meet
40 applicable federal requirements. For purposes of this subdivision,

1 good cause shall include, but shall not be limited to, the lack of
2 accurate, timely, and complete instructions from the department.

3 (e)

4 (g) The amendments made to subdivision (b) by the amendment
5 of this section in 2006 by Chapter 75 of the Statutes of 2006, clarify
6 existing law, as enacted by Assembly Bill 1542 (Ch. 270, Stats.
7 1997).

8 SEC. 3. Section 11450.12 of the Welfare and Institutions Code,
9 as amended by Section 39 of Chapter 1022 of the Statutes of 2002,
10 is amended to read:

11 11450.12. (a) An applicant family shall not be eligible for aid
12 under this chapter unless the family's income, exclusive of the
13 first ninety dollars (\$90) of earned income for each employed
14 person, is less than the minimum basic standard of adequate care,
15 as specified in Section 11452.

16 (b) A recipient family shall not be eligible for further aid under
17 this chapter if reasonably anticipated income, less exempt income,
18 averaged over the quarter pursuant to Sections 11265.2 and
19 11265.3, and exclusive of amounts exempt under Section 11451.5,
20 equals or exceeds the maximum aid payment specified in Section
21 11450.

22 (c) *To the extent permitted by federal law, if an applicant or*
23 *recipient family is a victim of abuse, as defined in Section*
24 *11495.12, the income and resources used to flee the abuser or*
25 *controlled in whole or in part by the abuser shall not be considered*
26 *available to the family and shall not be used for the purposes of*
27 *determining eligibility or the amount of aid. The county may*
28 *consider these resources if it documents, in writing, an*
29 *independent, reasonable basis for believing that the income or*
30 *resources are available and that considering the income or*
31 *resources would not put the victim of past or present abuse at*
32 *further risk of harm, encourage the victim to remain with the*
33 *abuser, or unfairly penalize the victim. Sworn statements by a*
34 *victim of past or present abuse shall be sufficient to establish abuse*
35 *in accordance with Section 11495.25. The county shall assess each*
36 *applicant to determine if the waiver under this subdivision is*
37 *appropriate and shall advise each applicant of the availability of*
38 *the waiver.*

39 SEC. 4. Section 11495.15 of the Welfare and Institutions Code
40 is amended to read:

1 11495.15. (a) A county ~~may~~ *shall* waive a *condition of*
2 *eligibility, program requirement, or time limit for good cause* for
3 *an applicant or a recipient who has been identified as a past or*
4 *present victim of abuse when it has been determined that good*
5 *cause exists pursuant to paragraph (2) of subdivision (f) of Section*
6 *11320.3. Until implementation of the regulations required pursuant*
7 *to subdivision (b) of Section 11495.1, a county may utilize*
8 *standards, procedures, and protocols currently available, and shall*
9 *identify them in its county plan the county determines that the*
10 *condition, requirement, or time limit is detrimental to or unfairly*
11 *penalizes the individual or his or her family, or encourages the*
12 *individual or his or her family to remain with the abuser. Waivers*
13 *shall be reevaluated in accordance with other routine periodic*
14 *reevaluations by the county.*

15 (b) *Any month in which good cause exists for excusing*
16 *participants from welfare to work activities pursuant to this section*
17 *shall not be counted as a month of receipt of aid for the purposes*
18 *of Section 11454.*

19 (c) *Waivers shall not be granted pursuant to subdivision (a) if*
20 *either event in subdivision (c) or (d) of Section 11495.1 occurs.*

21 SEC. 5. Section 11495.45 is added to the Welfare and
22 Institutions Code, to read:

23 11495.45. The county shall proactively seek information at the
24 time of application or redetermination for aid to determine whether
25 or not the applicant or recipient is or has been a victim of domestic
26 violence.

27 SEC. 6. If the Commission on State Mandates determines that
28 this act contains costs mandated by the state, reimbursement to
29 local agencies and school districts for those costs shall be made
30 pursuant to Part 7 (commencing with Section 17500) of Division
31 4 of Title 2 of the Government Code.